UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
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TALIB ALSAIFULLAH,

                                        Plaintiff,

    -v.-                                                    1:06-CV-1481
                                                           (NAM)(DRH)


JUDGE WILLIAM CARTER,

                                        Defendant.
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**APPEARANCES:**                        **OF COUNSEL:**

TALIB ALSAIFULLAH
Plaintiff, *pro se*

HON. ANDREW M. CUOMO                     SENTA B. SUIDA, ESQ.
Attorney General for the State          Assistant Attorney General
   of New York
615 Erie Boulevard West
Suite 102
Syracuse, New York 13204

DAVID R. HOMER, U.S. MAGISTRATE JUDGE

**DECISION and ORDER**

Presently before the Court is an amended complaint filed by plaintiff Talib Alsaifullah.  Dkt.

No. 13.  The Court notes that plaintiff filed this amended complaint as of right pursuant to Rule

15(a) of the Federal Rules of Civil Procedure, which provides, in pertinent part, that a party may

amend his pleading "once as a matter of course at any time before a responsive pleading is served."[1]

In his amended complaint, plaintiff alleges that the defendant threatened to assault him

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[1]  While the defendant has been served in this action (Dkt. No. 11), he has not answered the
complaint.  Since plaintiff's amended complaint was filed prior to the defendant's answer, he may
properly file an amended complaint without leave of this Court.

during the course of plaintiff's criminal proceeding.  Dkt. No. 13 at 3.

WHEREFORE, it is hereby

ORDERED, that the original of such amended complaint (Dkt. No. 13) shall supersede and

replace *in toto* the original complaint filed herein, and it is further

ORDERED, that plaintiff serve a copy of such amended complaint on counsel for defendant

Carter **within thirty (30) days** of the filing date of this Order, and it is further

ORDERED, that a formal response to plaintiff's amended complaint be filed by the

defendant or his counsel as provided for in Rule 12 of the Federal Rules of Civil Procedure, and it is

further

ORDERED, that the Clerk serve a copy of this Order on the parties in accordance with the

Local Rules.

IT IS SO ORDERED.

Dated:  March 13, 2007

_David R. Homer_

United States Magistrate Judge